



October 22, 2024, at 5:30 pm
City Hall
210 East 4th Street, La Center, WA 98629

Public Hearing: Breeze Creek Trails Subdivision

Preliminary Plat, SEPA Mitigated Determination of Non-significance (MDNS), Variance, Critical Areas Permit,
and Tree Cutting Permit: Type III Review

Hearings Examiner: Joe Turner

Applicant Representative: Scott Taylor

SGA Engineering
2005 Broadway
Vancouver, WA 98663
360.993.0911, staylor@sgaengineering.com

Property Owner: Peter Schlentz

Breeze Creek Trails, LLC
19158 Kristen Way
San Antonio, TX 98258
360.606.2787



Staff Report & Recommendations

Breeze Creek Trails Subdivision: Type III

Preliminary Plat, SEPA Determination, Variance, Legal Lot Determination, Critical Areas Permit, and Tree Cutting Permit.

(#2024-012-SUB/SEPA/LLD/VAR/CAR/TRE) October 22, 2024

PROPOSAL:	The applicant is requesting approval to divide 4.87 acres into 15 single-family residential lots located within the LDR -7.5 (Low Density Residential) zone district with a UH-10 overlay (Urban Holding). The proposed lot sizes range from 6,025 square feet to 9,897 square feet. The applicant is proposing to utilize the density transfer provision.
LOCATION:	▪ No site address – #49 John Timmons & Andrew Breezee HD CL 4.87A ▪ NE ¼, S03, T4N, R1E – Parcel 986044822
HEARING:	The La Center Hearings Examiner will conduct a public hearing on October 22, 2024, beginning at 5:30 PM at La Center City Hall, 210 East 4th Street, La Center, WA
APPLICABLE STANDARDS	La Center Municipal Code (LCMC): 3.35 Impact Fees; Title 12, Streets, Sidewalks, and Public Ways; Title 13, Public Utilities; Title 18, Development Code; 18.30 Procedures; 18.130 Low Density Residential (LDR-7.5); 18.190 Urban Holding District (UH-10); 18.210 Subdivision Provisions; 18.225 Legal Lot Determination; 18.240 Mitigation of Adverse Impact; 18.245 Supplementary Development Standards; 18.260 Variance; 18.280 Off-Street Parking Requirements; 18.282 Outdoor Lighting; 18.300 Critical Areas; 18.310 Environmental Policy; 18.320 Stormwater and Erosion Control; 18.350 Tree Protection; and 18.360 Archaeological Resource Protection.
SEPA DETERMINATION	Mitigated Determination of Non-Significance issued October 7, 2024
RECOMMENDATION:	APPROVAL , Subject to Conditions

10/7/2024

Breeze Creek Trails Subdivision 2024-012-SUB/SEPA/VAR/CAR/TRE

CONTACT LIST

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OVERVIEW

The applicant is proposing to subdivide 4.87 acres into 15 single-family residential lots and eight (8) open space tracts used for the stormwater facility, environmental constraints and tract H is located within Clark County. The site is designated Urban Holding (UH) on the City's Comprehensive Plan map and is zoned Low Density Residential (LDR-7.5) on the City's adopted zoning map.

The proposed lots requested are between 6,025 and 9,897 square feet in accordance with LCMC 18.130.080 and the density transfer requirements of LCMC 18.300.130

The project site is located on the south side of La Center Elementary School and along the southern La Center city limits. The zoning to the north of the property is UP (Urban Public Facilities), the zoning to the east is LDR-7 and the properties located to the south & west are within Clark County's jurisdiction and are zoned P/OS (Parks Open Space) with an UH-10 (Urban Holding Overlay).

The site is vacant with trees and grasses. The northern portion of the site is mapped as having habitat riparian areas, the southeastern portion of the site is mapped as having hydric soils and GIS shows the entire site as having non-riparian habitat or species. Furthermore, GIS is mapping slopes greater than 15% along the northwest and western portions of the site and severe erosion hazard areas along the southern portion of the project parcel.

Critical areas include fish and wildlife habitat conservation areas (FWHACs) for a riparian buffer with an off-site stream, wetlands and geologically hazardous areas. The applicant provided critical areas report for wetlands and habitat areas as well as a geotechnical report. The site contains slopes greater than 15%. One Oregon White Oak tree is located on the southern edge of the site. It will be retained in an open space tract and not impacted by the development.

East 2nd Way, in Holley Park Subdivision has been constructed up the easterly property line. Ivy Avenue currently provides access to the site. There's an existing access easement on this property to access the property to the south. This easement is proposed to remain to allow access south of Breeze Creek Trails Subdivision.

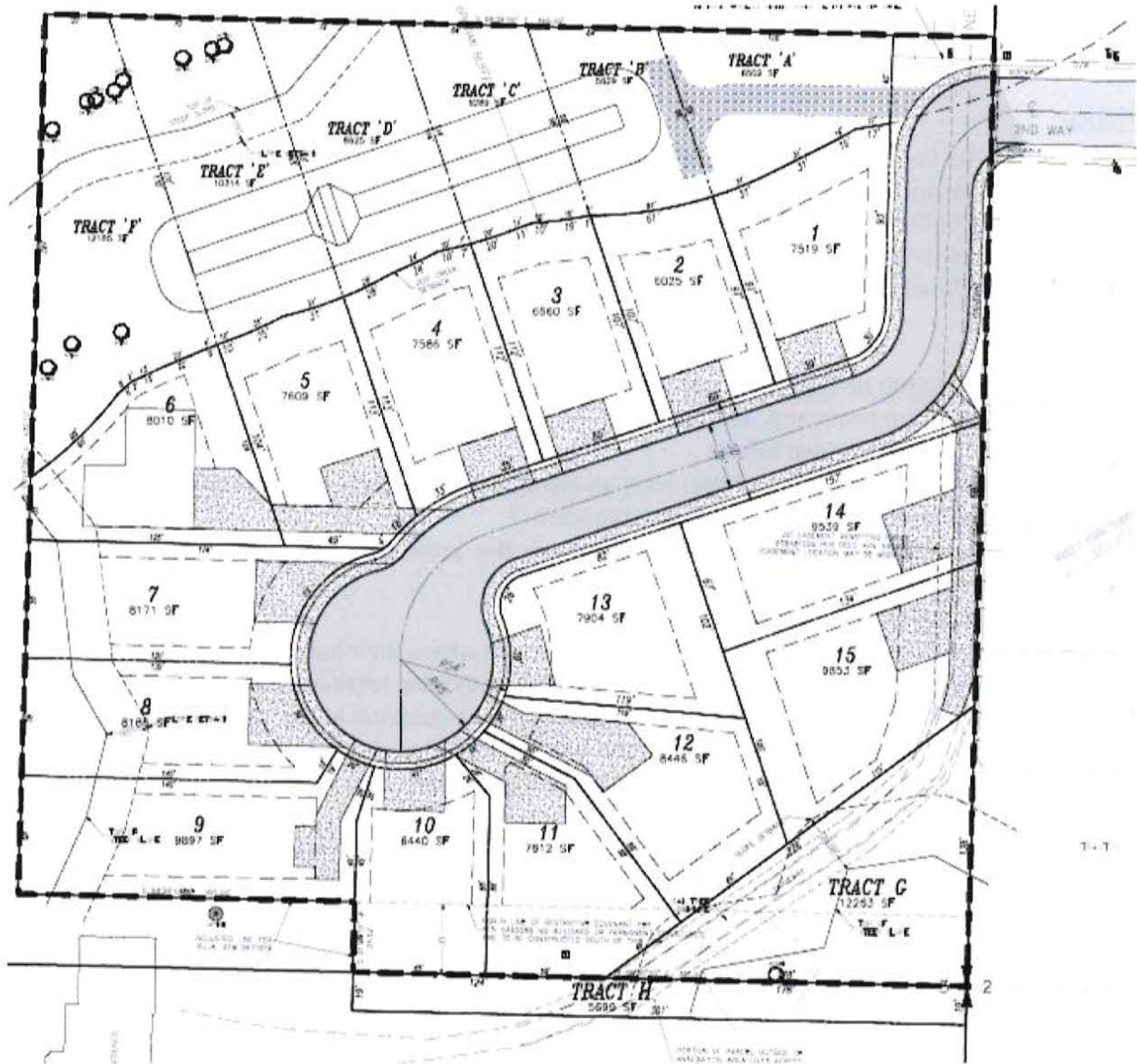
Figure 1: Project Location



Figure 2: Project Site



Figure 3: Proposed Preliminary Plat



REVIEW

Jurisdiction

The site is located within the City of La Center city limits and is zoned Low Density Residential (LDR-7.5) with a UH-10 (Urban Holding Overlay). The City of La Center provides sanitary sewer service and public streets. Clark County provides law enforcement services. Clark Public Utilities provides potable water and electricity service. The project is within the La Center School District and the Clark-Cowlitz Fire Rescue (CCFR) service area.

Public Notice

On October 4, 2024, The Columbian published legal notice of the public hearing scheduled for October 22, 2024, preliminary plat application, variance, critical areas permit, tree cutting permit, and SEPA MDNS. The City entered the SEPA Checklist and Optional Mitigated Determination of Non-Significance (MDNS) in the Ecology SEPA Register on August 26, 2024. (Ecology SEPA # 202403703) The notice of application and SEPA comment period closed on September 5, 2024, and the City received four (4) comments (Exhibits 5, 6, 7 & 8).

Stephanie & Seth Klein – 33100 NE Ivy Ave, La Center, WA 98629 (Exhibit 5)

The property owners provided comments and questions on September 3, 2024, via email to the City. A summary of their comments is provided below:

- **Subdivision Developer:** Does the project have an identified developer yet? If so, can the Kleins reach out to the developer with questions and concerns?
- **Submitting Comments:** Can the public comment on the project at the time of notice of application about the layout of the subdivision?
- **Owner of Ivy Road:** Who technically owns Ivy Road?
- **Setbacks:** Concerns about erosion control and steep slopes where their homes currently sit and the possibility of construction damaging the integrity of the existing retaining wall.
- **Proposed Gate:** The Kleins noticed a proposed gate; can they continue to use Ivy as an access? The Klein's are requesting a second gate past the proposed development because their lot is not fenced. They would like the gates constructed first so construction vehicles are not using NE Ivy due to heavy equipment damaging the road.
- **Temporary Construction Fence:** The homeowners are requesting a temporary construction fence around the entire property for the safety of their animals and the workers. The property is not currently fenced.
- **Privacy:** At a later time, the Klein's would like to discuss privacy with the developer and ask that they assist with landscaping for privacy and sound.

Staffs Response:

- *The applicant is currently working with a Land Use Consultant. (SGA Engineering). You can ask City Staff or the consultant questions at this time.*
- *Staff has issued the current Staff Report along with a notice of public hearing. You are able to comment at this time and/or you can come to the hearing and give written or oral testimony.*
- *As the consultant noted in a response email. The recorded easement is for the Klein's access and utilities which will remain or be improved with the subdivision. The owner of the easement owns the land under the easement where it crosses this parcel. The applicant/owner is proposing to install a gate for the existing home to continue using the access and to restrict access to public vehicles, except emergency services.*

- *The project has been reviewed by a geotechnical engineer and this will be part of the design review process. The Geotechnical Report notes that greater setbacks shall be required. Please see the geotechnical portion of this report.*
- *Please see the applicant's response below.*
- *Please see the applicant's response below.*

Applicant's Response:

- *The owner is acting as the developer at this time.*
- *See Staff's response above.*
- *The recorded easement is for the Kleins access and utilities which will remain or be improved with the subdivision. The current property owner owns the land under the easement where it crosses this parcel. The applicant/ owner are proposing to install a gate for the existing home to continue using and to restrict access to public vehicles, except emergency services.*
- *The project proposes a slope setback that was determined by the Geotechnical Engineer. The slope and setback area will not be disturbed with the proposed subdivision or future homes.*
- *The applicant and SGA Engineering are interested in coordinating the gate(s) with the neighbor. The Klein's may reach out directly to Scott Taylor and Joe Intermill with SGA Engineering for this coordination.*
- *SGA Engineering agrees that NE Ivy Road Private drive is not suitable for construction traffic. A construction entrance and specified route for construction traffic can be part of the final engineering plans, using the public road system. Coordination of construction schedule will be a focus for the contractor and development team working with the Klein's. Some permanent fencing along the dividing property line would be great if it can be accomplished early. If not some temporary fencing sounds like it will need to be installed to keep livestock out of the site and safe on their parcel. I would imagine the 4' tall orange fencing would be shown on the construction plans.*
- *The development will meet the city requirements for tree and shrub plantings. Additional landscaping in the back and side yards of the new lots will be accomplished after the homes are built. Off-site plantings could take place on the Klein's property any time. The project surveyor could help stake out the property line in the field which could assist in planting hedges or screening plants. SGA Landscape Architect Scott Taylor is happy to provide suggestions for trees and shrubs the Klein's could plant.*

Holley Park Homeowners Association – holleyparkhoa@gmail.com Holley Park Subdivision (Exhibit 6)

The Holley Park HOA provided the following comments on September 4, 2024, via email to the City of La Center.

- The HOA would like to address the potential environmental impacts to their wet pond and the possible excessive dirt and debris from the construction process that could add sediment into their pond that the current homeowners are responsible for dredging, and the HOA would like to know that the HOA's interests and the homeowners are protected.

The HOA would like to know steps that will be taken to prevent possible excess dirt and debris from being placed on Holley Park Subdivision streets, where it then could run into the subdivisions pond.

Staff's Response: *As part of the development requirements, the applicant has to manage all construction debris and take the proper steps to prevent excess dirt and debris from all streets that are impacted during construction.*

The applicant will be required to comply with the City of La Center Stormwater ordinance to prevent offsite erosion and sediment leaving the site. The applicant will also be required to obtain a Department of Ecology Construction Stormwater Permit to prevent erosion control and soil from leaving the site and impacting the waters of the state. The contractor and developer will ultimately be responsible for debris for dust that leaves the site.

James Macrae, MA Department of Archaeology & Historic Preservation (Exhibit 7)

Mr. Macrae from DAHP provided the following comment on September 4, 2024, via an e-mail to the City of La Center

- Please confirm spatially that there is no work or ground disturbance occurring in the archaeological site boundary and that will be fine.

Staff's Response: *The city has received email confirmation from the applicant that they will not be working within the boundary of the archaeological site. If there is disturbance within the archaeological site boundary a DAHP permit will be required. (See Condition 5)*

Homeowners Holley Park Subdivision – (See Exhibit 8) for contact information

Homeowners of Holley Park Subdivision provided comments and questions on September 5, 2024, via email and a hand delivered letter to the City. A summary of her comments is provided below:

- **Variance Request:** The homeowners in Holley Park Subdivision are concerned about variances being applied for and unclear about the information provided on the city's website. They mentioned concerns about staff's explanation regarding the variance and questioned if proper information was not made available for public review prior to the SEPA determination or approval.
- **Access and Traffic Concerns:** The homeowners in Holley Park Subdivision noted that it appears E 2nd Way is the only access point for construction of the development and future access. There are questions about NE Ivy Avenue to include improvements to Ivy Ave, increased traffic, safety, wear & tear on roads, impacts to Holley Parks HOA privately managed stormwater facility, and access for the proposed homes and emergency vehicles. The homeowners would like a copy of the fire marshal comments. Additional comments include the SEPA checklist (checklist item 14.f), the number of trips per day, peak volumes, percentage of trucks such as commercial (what data is used to make this determination? The homeowners would like the notice to expand additional traffic impacts.
- **Construction Hours:** The subdivision noted that the proposed construction hours of 7am-7pm will negatively impact the safety of children commuting to and from school.
- **Setback Requirements:** The comment letter includes concerns about the critical areas setbacks and the information posted on the website. The homeowners would like to have a copy of the mitigation plan.
- **Wetland Fill:** The comments indicate filling of wetlands and would like to see proper permit for this action.
- **Notification and Public Involvement:** Holley Park Subdivision residents would like to be made a party of record. They are concerned that the City is recommending MDNS prior to staff familiarizing themselves with the project.

Staffs Response:

- *The information regarding the variance can be found on Page four (4) of the project narrative posted on the City of La Center's website. The narrative explains that the variance is for a reduction in the lot width for lots 7-9. The proposal includes a Type I variance to change the lot width from 60 feet to 58 feet. The notice of application is meant to notify neighbors that the application has been submitted. Only a cursory review is completed prior to the notice of application being mailed out. The SEPA Determination was not made at the time of the notice of application.*
- *The applicant has submitted a traffic study, and a review has been completed by the City of La Center's Community Development Engineer. Please refer to the traffic study and the engineering portion of this report. The applicant's Engineer is required to determine the design of the public streets using information from the Geotechnical report, and the City Engineering Standards. The public streets are designed to accommodate daily traffic and construction vehicles. The city ultimately maintains the public streets.*
- *According to LCMC 8.55.050 Nuisances affecting peace and safety hours for the City of La Center are 7:00am to 10:00PM. In general contractors start at 7:00am and end around 5:00pm. The city code allows for construction during this time. This is something that you can confirm with the developer. They may have additional information.*
- *Please see the critical areas report located on the City of La Centers website and the review completed by the city's consultant. The applicant did not submit a mitigation plan. A condition shall be placed requiring a mitigation and monitoring plan prior to final engineering.*
- *Holley Park Subdivision Residents have been made a party of record and will receive all correspondence.*

Land Use Analysis

LCMC 8.60 Sign Requirements

No entry monument signs are proposed with the preliminary development plans. Signs in residential zones, per LCMC 8.60.060, are limited to an illuminated sign at the entrance to the subdivision of 32 square feet.

As a **condition of approval**, the applicant shall apply for and receive approval of a sign permit and building permit (if applicable) for a subdivision entrance sign prior to sign construction in accordance with LCMC 8.60.

LCMC 18.30 Procedures

A preliminary plat is subject to pre-application review (LCMC 18.210.010). A technically complete review of a plat application is subject to a Type I process. After a preliminary subdivision application is deemed to be technically complete, the review of the application for a preliminary plat approval is subject to a Type III review process (LCMC 18.210.020) with the City's hearing examiner making the final decision. The City conducted a pre-application conference for the proposed project August 28, 2023 (2023-029-PAC). The City received an application for preliminary plat on April 26, 2024. The City found the application "technically complete" on August 8, 2024. Type III applications are required to have a hearing within 78 days after the application is deemed complete. The La Center Hearing Examiner will consider the preliminary plat application on October 22, 2024, at La Center City Hall beginning at 5:30 PM – 75 days after the application was deemed complete.

The City publicly noticed the application on August 22, 2024, for 14 days and received four (4) comments. The City issued the staff report, the notice of public hearing was published in the Columbian on October 4, 2024, and a notice of public hearing was sent on October 7, 2024, more than seven days before the public hearing. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing's examiner. Public comments may be submitted either prior to or during the public hearing in writing or orally during the hearing.

LCMC 18.130 Low Density Residential District (LDR-7.5)

The applicant is proposing 15 lots for detached single-family residences. Detached single-family dwellings are a permitted use in the LDR-7.5 zone district (LCMC 18.130.030). Buildings are limited to 35 feet in height. The applicant is not proposing buildings at this time. A **condition of approval** will require that building height be met at time of building permit issuance. The applicant is proposing a number of lots which fall within the density requirements of the LDR-7.5 zone that requires a minimum of four dwelling units and a maximum of 5.8 units per net acre. A net acre is defined to exclude public rights-of-way, private streets, public utility easements, public parks, and undeveloped critical areas and required buffers. The gross site area is 4.87 acres. Table 1 below shows the calculations to determine the net area of the site as defined by LCMC 18.40.010 and to determine the net density. The net density of the proposed subdivision is 4 units per acre, which meets the LDR-7.5 zone's density requirements.

The applicant is also proposing one stormwater facility to be located on six (6) individual tracts (Tracts A-F).

According to 18.320.240 (Location of Stormwater Facilities). Stormwater treatment and control facilities shall be located on separate tracts which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of city abandonment or vacation.

The applicant shows the stormwater facility located on tracts A through F (six separate tracts). As a **condition of approval**, the preliminary plat and stormwater plans will need to be revised to show the stormwater facility on one tract.

Table 1: Net Area and Density Calculations

Total Gross Acres	4.87 acres
Deductions to Determine Net Area	
Public and Private Rights-of-Way	.71 acres
Net Site Area	4.16 acres
Average Lot Area	.18 acres
Total Number of Residential Lots	15
Net Density	4 units/acre

Lots within the LDR-7.5 zone must be a minimum of 7,500 square feet and a maximum of 11,000 square feet, unless density transfer is being requested. The applicant is utilizing the density transfer provision. The lot sizes range from 6,025 square feet to 9,853 square feet.

Maximum building lot coverage and maximum impervious surface area are 35 percent and 50 percent, respectively, in the LDR-7.5 zone. Since no buildings are proposed at this time, a **condition of approval**

will require that each lot to not exceed the maximum building lot coverage and maximum impervious surface area prior to issuance of building permits. The table below highlights the required lot dimensions and setback standards for the LDR-7.5 zone.

LCMC Table 18.130.080 - Lot Coverage and Dimensions (feet)

<i>District</i>	<i>Minimum Lot Width (feet)</i>	<i>Minimum Lot Depth (feet)</i>	<i>Minimum Front Yard Setback (feet)</i>	<i>Minimum Side Yard Setback (feet)</i>	<i>Minimum Street Side Yard Setback (feet)</i>	<i>Minimum Rear Yard</i>
LDR-7.5	60	90	20*	7.5	10	15 (garage) 20 (living area)

*The minimum front yard setback may be reduced in accordance with LCMC 18.130.080(10).

Please refer to the Geotechnical Study information, the landscape requirements, critical area buffer setbacks and UH-10 property line setbacks located within this report for additional setback requirements.

Lots 7-9 do not meet the minimum lot width requirement of 60 feet. The applicant is requesting a Type I variance for the 58- foot lot width for lots 7-9. All proposed lots are required to meet the minimum lot dimensional requirements of the zone. Please refer to the variance finding.

LCMC 18.130.100 states that developments in the LDR-7.5 zone must provide street trees spaced 30 feet on center in planter strips along each street frontage. Type, location, and planting method shall be approved by the public works director. The applicant's preliminary landscape plan (See Exhibit 1) show street trees on all street frontages and meeting the spacing requirements.

As a **condition of approval**, the applicant shall demonstrate that building height requirements are met prior to issuance of a building permit for each lot.

As a **condition of approval**, the applicant shall demonstrate that the maximum building lot coverage and maximum impervious surface area requirements per lot are met prior to issuance of a building permits.

As a **condition of approval**, prior to engineering approval, the applicant shall provide a final landscape plan by a registered landscape architect with street trees spaced no greater than 30 feet on center.

LCMC 18.160 Urban Holding District UH-10

In conjunction with the subdivision application, the applicant shall request to remove the Urban Holding District (UH-10) overlay in accordance with LCMC 18.190.060. Removal of the UH-10 overlay is subject to a Type II review process in accordance with LCMC 18.30.090. The city engineer has identified that all capital facilities deficiencies have been satisfactorily resolved.

The UH-10 overlay may be removed if provision of adequate capital facilities are required as a condition of approval.

All developments within the UH-10 zoning district shall provide or reserve a 20-foot-wide natural vegetated buffer along all property lines. Signs shall be permitted according to the provisions of Chapter 8.60 LCMC. Off-street parking and loading shall be provided as required in Chapter 18.280 LCMC.

As a condition of approval, the applicant shall provide a reserve or 20-foot-wide natural vegetated buffer along all property lines prior to final occupancy.

LCMC 18.147 Parks and Open Spaces

The proposed development falls below the threshold for requiring a park and open space.

LCMC 18.210 Subdivisions

LCMC 18.210.040 Approval criteria for a preliminary plat.

- (1) *The review authority shall approve a preliminary plat if he or she finds:*
- (a) *The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant:*
    - (i) *Chapter 12.05 LCMC, Sidewalks, and Chapter 12.10 LCMC, Public and Private Road Standards;*
    - (ii) *Chapter 18.300 LCMC, Critical Areas;*
    - (iii) *Chapter 18.310 LCMC, Environmental Policy;*
    - (iv) *Chapter 18.320 LCMC, Stormwater and Erosion Control;*
    - (v) *Chapter 15.05 LCMC, Building Code and Specialty Codes;*
    - (vi) *Chapter 15.35 LCMC, School Impact Fees; and*
    - (vii) *LCMC Title 18, Development Code.*
  - (b) *That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved;*
  - (c) *The subdivision makes appropriate provision for parks, trails, potable water supplies and disposal of sanitary wastes; and*
  - (d) *The subdivision complies with Chapter 58.17 RCW.*

Refer to the appropriate sections in this staff report that address the chapters of the LCMC. Conditions of approval are outlined throughout the document. A **condition of approval** requires that the applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents that include provisions for potable water supplies and disposal of sanitary wastes. Parks, trails, and other amenities are provided as required, however, the amenities provided to not meet minimum requirements. The applicant is conditioned to provide amenities to meet minimum requirements as discussed above. A **condition of approval** will require that, prior to construction, the applicant obtain building permits in compliance with LCMC 15.05. A **condition of approval** will also require that the applicant pay all system development fees and park, traffic, and school impact fees in effect at the time of the building permit issuance. If a community park is provided, the applicant will not be subject to PIFs but will receive to be established PIF credits from the City.

As a condition of approval, the applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents unless otherwise modified by conditions of approval in this staff report or as approved by the City through subsequent approvals.

As a condition of approval, the applicant shall obtain building permits in compliance with LCMC Chapter 15.05 prior to construction for each dwelling unit.

As a condition of approval, prior to the issuance of occupancy, the applicant shall pay all system development fees, park, school, and traffic impact fees in effect at the time.

LCMC 18.210.040(2)

If phases are proposed, the subdivision also complies with the following:

- (a) The preliminary plat identifies the boundaries of each phase and sequence of phases;
- (b) Each phase includes open space and other required public and/or private infrastructure at least in proportion to the number of lots in each phase;
- (c) The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision; and
- (d) The applicant completes or assures completion of public improvements consistent with LCMC 18.210.090.

The applicant is not proposing to develop this site in multiple phases.

LCMC 18.210.040(3)

Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:

- (a) The flag "pole" shall be at least 20 feet wide instead of the frontage regulations of the zone.
- (b) The flag "pole" shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet, six inches. The improved surface shall be at least 20 feet wide and shall be marked and signed as a fire lane.
- (c) The pole portion of the flag lot shall not be counted toward the minimum lot size.
- (d) If the length of the pole is more than 150 feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.

The development is proposing lots 14 & 15 as flag lots. The proposal includes a 20-foot-wide access easement. The pole portion of the lots is not calculated towards the minimum lot size and the pole is not more than 150 ft.

LCMC 18.210.050 Expiration and extension of preliminary plat approval.

Approval of a preliminary plat expires five years from the effective date of the decision approving it unless, within that time, an applicant files with the city clerk an application for a final plat for a subdivision or given phases of a subdivision or for an extension.

As a **condition of approval**, the preliminary plat shall expire five years from the date of approval by the hearing examiner, unless an application for final plat is submitted or an extension is approved per LCMC 18.210.050(2) and (3).

LCMC 18.225 Legal Lot Determinations

According to LCMC 18.225.010(2), the legal lot determination standards apply to all subdivision applications.

It was determined that Clark County Boundary Line Adjustment BLA-2017-00028 deemed the 4.87-acre lot a legal lot of record. The lot has not changed in size or configuration since the previous approval. Therefore, city staff has determined that project parcel is a legal lot of record.

LCMC 18.230 Monumentation, Survey, and Drafting Standards

- 18.230.010 Imprinted Monumentation
- 18.230.020 Centerline Monumentation
- 18.230.030 Property Line Monumentation
- 18.230.040 Postmonumentation
- 18.230.050 Postmonumentation Bonds
- 18.230.060 Survey Standards
- 18.230.070 Elevations or Vertical Information
- 18.230.080 Preferred Scale Proportions

All sections apply to the applicant's development.

As a **condition of approval**, the applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230 prior to final plat approval.

As a **condition of approval**, as outlined in LCMC 18.230.090, the final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.

LCMC 18.240 Mitigation of Adverse Impacts

Chapter 18.240.010 Purpose

This chapter provides the City with the authority to require prospective developers to mitigate the direct impacts the City has specifically identified as a consequence of proposed development, and to make provisions for mitigation for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.

LCMC 18.240.020 Determination of Direct Impacts

Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:

- (a) Predevelopment versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other municipal facilities or services;
- (b) Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;
- (c) Size, number, condition and proximity of existing facilities to be affected by the proposed development;
- (d) Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
- (e) Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
- (f) Any significant adverse environmental impacts of the proposed development;
- (g) Consistency with the city's comprehensive plan;

- (h) Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;
- (i) Appropriateness of financing necessary capital improvements by means of local improvement districts;
- (j) Whether the designated capital improvement furthers the public health, safety or general welfare;
- (k) Any other facts deemed by the review authority to be relevant.

(2) The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

LCMC 18.240.030 Mitigation of Direct Impacts

(1) The review authority shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. Such developments will not be approved by the review authority until provisions have been made to mitigate identified direct impacts that are consequences of such development.

(2) The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.

The proposed project has the potential to impact public services, traffic, critical areas, and other elements of the environment. Mitigations proposed by the applicant are reviewed in this staff report for conformance with applicable standards and any additional mitigations and conditions addressing said impacts are highlighted throughout this report. How the project impacts public facilities and mitigations to these impacts are addressed in the following sections of this staff report.

- **Critical Areas**
- **Trees**
- **Archaeological Resources and Historic Structures**
- **Sewer**
- **Water**
- **Stormwater**
- **Streets, sidewalks, and traffic**
- **Police, fire, and schools**
- **Street lighting**
- **Impact fees**

LCMC 18.245 Supplementary Development Standards

The standards in this chapter apply to development generally within the City of La Center. They can be used in any review process where applicable to evaluate or condition approval of an application.

The applicant is proposing street lighting with the project but has not submitted a preliminary lighting plan. LCMC 18.282 (Outdoor Lighting) also applies to the development as discussed and conditioned later in this staff report. As a **condition of approval**, the applicant shall provide a photometric plan prior

to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.

Police, fire, and schools shall be addressed before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development, and which require mitigation. As a **condition of approval**, the applicant is required to coordinate with the fire marshal's office to meet all fire code requirements prior to final engineering.

Staff received a letter stating that all children will walk to school. As a **condition of approval**, the applicant is required to provide a safe walking path for all children walking to school.

The site is zoned LDR-7.5. with a Clark County UH-10 (Urban Holding) overlay. Properties directly abutting the site to the south are zoned Clark County P/WL (Parks & Wildlife) to the west the site is zoned Clark County P/OS (Parks Open Space) with a UH-10 overlay, the property to the north is zoned UP (Urban Public District and the site abutting the east side of the site is zoned LDR-7.5. The sites abutting Clark County lots and abutting other LDR-7.5 sites do not require any landscape screening.

LCMC 18.245.060(8) requires that ground-level exterior equipment be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of way to at least an F2 or L3 standard, if visible. A **condition of approval** will require this be met.

LCMC 18.245.060(10) requires all landscaping be installed prior to issuance of occupancy or final inspection within six months after issuance of occupancy or final inspection if it would increase the likely survival of plants. A **condition of approval** will require this be met.

LCMC 18.245.060(11-16) contain plant material size and quality requirements. The applicant's final landscape plan must comply with these requirements. A **condition of approval** will require these be met.

LCMC 18.245.060(18) contains irrigation requirements. All required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements. A **condition of approval** will require this.

As a **condition of approval**, if any fences or hedges are proposed prior to the final plat, the applicant must provide information demonstrating that the fences comply with LCMC 18.245.020.

As a **condition of approval**, the applicant shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.

As a **condition of approval**, the applicant shall install all landscaping prior to issuance of final inspection for each dwelling unit or no more than six months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval.

As a **condition of approval**, all required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements in LCMC 18.245.060(18). The applicant shall provide irrigation plans prior to final engineering approval.

LCMC 18.260 Variance

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- (1) Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement:

The site has multiple areas with steep slope setbacks. The northern, southern and western sides of the site have steep slopes which places a squeeze on the remaining developable portions of the site. A minor reduction in the lot width to lots 7-9 will help meet all remaining lots to meet the lot width requirements.

- (2) The unusual circumstance cannot be a result of actions taken by the applicant;

The constraints currently on the site are at no fault on any actions taken by the applicant, they are an issue of the current site topography and environmental constraints.

- (3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;

The variance request is necessary to develop the property in a way that meets urban density. Other properties within La Center with Environmental constraints could also apply for a variance to the lot width requirements.

- (4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection (1) of this section;

The variance request is the least necessary to relieve the unusual circumstances caused by dimensional constraints due to critical areas.

- (5) Any impacts resulting from the variance are mitigated to the extent practical; and

The impacts have been mitigated to the greatest extent possible. The lot areas exceed the minimum lot size and the lot depths requirements. Increased open space and critical areas protection have been used across the entire development.

(6) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

Granting the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

Staff has determined that the proposed variance meets the applicable approval criteria listed above.

LCMC 18.280.040 Off-Street Parking and Loading Requirements

Each single-family detached dwelling unit shall be provided with at least two (2) off-street parking spaces per LCMC Table 18.280.040 for developments of four or more units. The parking spaces shall be within the 20-foot required garage setback.

The narrative states that each dwelling units will provide at least two driveway parking spaces and two garage parking spaces for a total of four parking spaces per dwelling unit, exceeding the minimum parking requirements.

As a **condition of approval**, the applicant shall demonstrate that each dwelling unit has at least two (2) off-street parking spaces per LCMC Table 18.280.010 prior to building permit approval. Parking spaces shall be within the 20-foot required garage setback.

Critical Areas Review

LCMC 18.300 Critical Areas

Mapped critical areas on the site include category II critical aquifer recharge areas (CARAs), wetlands (Category IV), fish and wildlife habitat conservation areas (FWHCAs) (riparian habitat and priority Oregon white oaks), and geologically hazardous areas (seismic, landslide, and erosion hazard areas).

- **FWHCAs (stream and riparian habitat):** The applicant provided a critical areas report by a qualified professional that includes an unnamed fish bearing stream (Type F) within a forested ravine just outside the northeastern part of the project site. The riparian ecosystem area buffer is required to be 200 feet under LCMC 18.300.090(2). The applicant proposes both temporary and permanent impacts within the stream buffer. No mitigation or monitoring for the riparian buffer is proposed but is to be conditioned.
- **FWHCAs (priority Oregon white oak [OWO] habitat):** The applicant has provided a critical areas report by a qualified professional that has determined that there is one OWO on the property. This is a priority OWO. The priority OWO is to be preserved with no impacts with the project proposal.

- **CARAs:** The site is within a mapped Type II CARA, which are mapped critical areas, however, LCMC 18.300.090(1) only protects category I CARAs. Therefore, no regulated CARAs exist on the project site.
- **Geological hazard areas**
  - **Seismic Hazards:** Clark County MapsOnline indicates that the site has Site class “D” soils for ground shaking amplification as mapped by the National Earthquake Hazards Reduction Program (NEHRP). The geotechnical report confirms that Site Class “D” should be used with design recommendations unless deeper explorations or geophysical studies are completed.
  - **Landslide Hazards:** Clark County MapsOnline indicates there are forty to eighty percent slopes proximate to the unnamed stream as also confirmed by geotechnical report. The geotechnical report includes setback recommendations from the slope, as well as other design and construction recommendations as further discussed below.
  - **Erosion Hazards:** Clark County MapsOnline indicates the occurrence of a severe erosion hazard area in the southern portion of the site. The submitted geotechnical report discusses the erosion hazard areas on site. The geotechnical report mentions that the relative level nature of the lots and the soil properties combined with the proper implementation of standard erosion and sediment control BMPs should adequately mitigate erosion risk on site.
- **Wetlands:** The applicant provided a critical areas report by a qualified professional that delineated one Category IV Depressional wetland located on the southern portion of the project site. Under LCMC 18.300.090 the wetland buffer for a category IV wetland is 50 feet. The applicant proposes permanent impacts to the wetland and wetland buffer by completely filling the wetland for site development. Under LCMC 18.300.090(5)(d) the category IV wetland located within the project site qualifies as an exempted wetland. No mitigation or monitoring for the wetland and wetland buffer is proposed but is to be conditioned.

LCMC 18.300.090(2) FWHCA's

(a) Identified sensitive fish and wildlife habitat conservation areas shall be preserved or adverse impacts mitigated. Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

- (i) Riparian. [...]*
- (iv) Priority Habitat (PHS) Areas. [...]*

Findings: According to Clark County Maps Online and the submitted Critical Areas Report, the north and northwestern portions of the site are within a riparian habitat buffer. The submitted critical areas report verified an unnamed fish-bearing (Type F) stream – see Figure 1. A Type F stream requires a 200-foot riparian buffer in accordance with Table 18.300.090(2)(f). There is also a single occurrence of an OWO on the site. This is a priority OWO with a portion of its dripline extending into an existing and developed access driveway to a residence immediately south of the site. The priority OWO is to be preserved and no impacts are proposed.

Figure 1: Mapped Stream and Riparian Buffer and Category IV Wetland



Riparian Areas

LCMC 18.300.090(2)(h) prohibits platting of urban residential lots within riparian buffers. Therefore, lots 1-6 have been designed to exclude the full riparian buffer width of 200 feet in this location. As a **condition of approval**, lots 1 – 6 on the final plat must exclude the full riparian buffer width of 200 feet prior to final plat approval. The applicant is proposing to construct a stormwater facility for the development within the riparian buffer. This is an allowed use in critical areas and within associated buffers in accordance with LCMC 18.300.050(4)(b) when there is no other reasonable alternative, based on topographic and environmental conditions.

As can be seen on the proposed plans there is no other alternative to placement of the stormwater facility outside the buffer. This stormwater facility will be subject to the development standards of LCMC 18.300.110 and appropriate mitigation measures in LCMC 18.300.120. The stormwater facility is being placed where there is currently an open field. However, the critical areas report does not include mitigation measures for proposed impacts from the stormwater facility and addressing mitigation requirements as outlined in LCMC 18.300.090(2)(i) and LCMC 18.300.120. Under LCMC 18.300.090(2)(j) the mitigation efforts need to ensure that development activity does not yield a net loss of the area or function of the critical area. Replacement or enhancement of the critical area shall

occur on site wherever possible. As a **condition of approval**, the applicant shall provide a revised Critical Areas Report that includes mitigation in accordance with LCMC 18.300.090(2)(i) and LCMC 18.300.020 for the affected riparian areas and implement such mitigation measures prior to final engineering approval. According to LCMC 18.300.120(1)(f) all reports recommending mitigation shall include provisions for monitoring of programs and replacement improvements, on an annual basis, consistent with report recommendations and at years one, three, five, and seven. As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a 7-year monitoring program in accordance with LCMC 18.300.090(2)(i)(v) prior to final engineering approval.

Other Critical Area Requirements

Pursuant to LCMC 18.300.090(2)(g)(ii), the edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through construction completion. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. As a **condition of approval**, the applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements prior to and through the duration of site construction.

LCMC 18.300.090(2)(n) requires (i) marking the outer extent of the habitat buffer throughout the duration of construction. This has been conditioned above. (ii) Permanent marking of the outer extent of the buffer using logs, a tree, hedgerow, wood, or wood-like fencing, or other permanent physical marking approved by the direction shall be placed and also including signs that shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director and worded as follows: "Habitat Buffer – Please Retain in a Natural State." As a **condition of approval**, the applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval. (iii) The riparian buffer shall be placed into a conservation covenant and be recorded in a form approved by the City attorney as adequate to incorporate the other restrictions of this section and give notice to obtain a permit prior to engaging in regulated activities within the riparian buffer. As a **condition of approval**, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

As a **condition of approval**, lots 1 – 6 on the final plat must exclude the full riparian buffer width of 200 feet prior to final plat approval.

As a **condition of approval**, the applicant shall provide a revised Critical Areas Report that includes mitigation in accordance with LCMC 18.300.090(2)(i) and LCMC 18.300.020 for the affected riparian areas and implement such mitigation measures prior to final engineering approval.

As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a 7-year monitoring program in accordance with LCMC 18.300.090(2)(i)(v) prior to final engineering approval.

As a **condition of approval**, the applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements and through the duration of site construction.

As a **condition of approval**, the applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.

As a **condition of approval**, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

Priority Habitat (Oregon white oak)

There is one OWO on the site or with canopy that extends onto the site, and the applicant intends to preserve the OWO on site. OWOs require a buffer upon consultation with WDFW (see LCMC 18.300.090(2)(a) and in accordance with best available science (see LCMC 18.300.090(2)(e)). As a **condition of approval**, the applicant shall show the dripline of the preserved OWO on the approved engineering plans to demonstrate that there will not be improvements including grading within these areas.

The Critical Areas Report does not include a mitigation plan. As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a mitigation plan in accordance with LCMC 18.300.120. Additionally, the Critical Areas Report does not include a monitoring program pursuant to LCMC 18.300.090(2)(i)(v). As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a 7-year monitoring program or as required by WDFW in accordance with LCMC 18.300.090(2)(i)(v).

To protect the OWO from future site improvements, the OWO dripline shall be placed into a conservation covenant and be recorded in a form approved by the City attorney as adequate to incorporate the other restrictions of this section and give notice to obtain a permit prior to engaging in regulated activities within the OWO dripline. As a **condition of approval**, the applicant shall place the OWO dripline in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

As a **condition of approval**, the applicant shall show the dripline of the preserved OWO on the approved engineering plans to demonstrate that there will not be improvements including grading within these areas.

As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a mitigation plan in accordance with LCMC 18.300.120.

As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include a 7-year monitoring program or as required by WDFW in accordance with LCMC 18.300.090(2)(i)(v).

As a **condition of approval**, the applicant shall place the OWO dripline in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

LCMC 18.300.090(4) Geologically Hazardous Areas

(b) Exempt, Prohibited, and Permitted Activities in Geologically Hazardous Areas

(i) Alterations. [...]

(A) Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;

(B) Will not impact other critical areas adversely;

(C) Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and

- (D) *Are recommend by a qualified professional in a signed and stamped geotechnical report.*

The applicant's report addresses LCMC 18.300.090(4) including alterations to geologically hazardous areas (b), general design standards for landslide and erosion hazard areas (c), and design standards for landslide hazards (d). The report indicates that the site is suitable for the project as long as the project follows the development recommendations, which include 15-foot setbacks from the slopes on the northwest corner of the site, 20-foot setbacks from the slopes along the western property line, and a 15-foot setback from the slopes at the southeast corner. As a condition of approval, the applicant shall follow all recommendations of the Geotechnical Engineering Evaluation by True North Geotechnical dated February 8, 2024, and subsequent revisions as conditioned in this Staff Report (Exhibit 1).

- (c) *General Design Standards for Landslide and Erosion Hazard Areas*
- (i) *Protection of Landslide and Erosion Hazard Areas. Modification of topography and vegetation in landslide and erosion hazard areas shall be limited in order to preserve the long-term stability of sensitive slopes, reduce erosion potential and stormwater runoff, and preserve related ecological values.*
  - (ii) *Development or alterations within a landslide or erosion hazard area and/or buffer shall be designed to meet the following requirements. Deviations from one or more of these standards may be permitted where it can be demonstrated by a qualified professional that an alternative design provides equal or greater protection of the critical area and proposal. The basic development design standards are:*
    - (A) *Structures and improvements shall be located to avoid landslide and erosion hazard areas and other critical areas, unless impacts are unavoidable;*
    - (B) *Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;*
    - (C) *The removal of vegetation from a landslide or erosion hazard area or landslide hazard area buffer shall be permitted only when approved by a qualified professional. If the landslide or erosion hazard area or landslide hazard area buffer lacks adequate vegetation, a vegetation restoration plan or other slope stability measure(s) may be required. Development within a landslide hazard area buffer must conform to the buffer provisions of this section;*
    - (D) *The proposed development shall not result in an increase in surface water discharge or sedimentation to adjacent properties;*
    - (E) *The following uses and activities may be situated on landslide and erosion hazard areas only where analysis by a qualified professional finds that they will not result in increased risk of landslide or erosion:*
      - (III) *Utility lines and pipes. A qualified professional shall design and verify to the city that said systems are installed and functioning as designed;*
    - (F) *Drainage Plan. Applicants proposing development within landslide and erosion hazard areas must develop a drainage plan in consultation with a qualified professional that complies with all applicable requirements of Chapter 18.320 LCMC. [...]*
    - (G) *Seasonal Restriction.*
    - (I) *Clearing activities that disturb the soil shall be allowed from May 1st to October 1st; provided, that the city may extend or shorten the dry season on a case-by-case basis, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practice permit;*

- (II) Outside of the designated dry season, clearing activities that disturb the soil may occur only when demonstrated by a qualified professional that no increased risk to landslide and erosion hazard and buffer areas will occur from clearing activities.*

The submitted geotechnical report did not address all of the general design standards for landslide and erosion hazard areas as outlined in LCMC 18.300.090(4)(c)(ii)(A through G). As a **condition of approval**, the applicant shall provide a revised geotechnical report that addresses each criteria as outlined in LCMC 18.300.090(4)(c)(ii)(A through G) prior to final engineering approval.

As a **condition of approval**, the applicant shall follow all recommendations of the Geotechnical Engineering Evaluation by True North Geotechnical dated February 8, 2024, and subsequent revisions as conditioned in this Staff Report (Exhibit 14).

As a **condition of approval**, the applicant shall provide a revised geotechnical report that addresses each criteria as outlined in LCMC 18.300.090(4)(c)(ii)(A through G) prior to final engineering approval.

(d) Design Standards – Landslide Hazard Areas

- (i) Landslide Hazard Area Buffers. A buffer shall be established from all edges of landslide hazard areas.*
- (A) Buffer Size. The minimum dimension of the buffer shall be 50 feet from the edge of the landslide hazard area.*
- (B) Buffer Reduction. The buffer may be reduced to a minimum of 25 feet when a qualified professional demonstrates that the reduction will provide adequate protection for the proposed development, the adjacent developments and uses, and the subject critical area.*
- (C) Buffer Use. Where reduction of the buffer is not recommended by a qualified professional, development encroachment within the buffer area may be allowed provided a qualified professional demonstrates that the site alteration will not impact a landslide area and/or the adjacent properties.*
- (E) The buffer shall be clearly staked before and during any construction or clearing.*
- (F) All portions of landslide hazard areas and buffers shall be designated as landslide protection areas and recorded as such on the approved site plan or plat document.*

Due to the suspected landslide scarp indicators at the southeast corner of the sight, the report suggests doubling the setback to 30 feet. These suggested slope setbacks have been included on the proposed site plan. Additionally, the geotechnical report requires a 15 feet setback in the Norwest corner and 20 feet from the slopes along the west of the property line. However, LCMC 18.300.090(4)(d)(i)(A) requires a minimum buffer of 50-feet from the edge of the landslide hazard area and can be reduced to no less than 25-feet in accordance with LCMC 18.300.090(4)(d)(i)(B). As a **condition for approval**, the setbacks on the northwest corner and western portions of the should be increased to no less than 25 feet prior to final engineering approval. The applicant shall verify with a revised geotechnical report the developability of the site with the adjusted setbacks and revise the plat and engineering plans accordingly. As a **condition of approval**, the applicant shall revise the plat and engineering plans to adjust to the minimum required landslide and erosion hazards prior to final engineering approval. The landslide and soil erosion hazard areas shall be clearly staked before and during any construction or clearing. As a **condition of approval**, prior to any site construction activities, the landslide hazard area buffer as established by the revised geotechnical report shall be clearly staked before and during any construction or clearing.

As a **condition for approval**, the setbacks on the northwest corner and western portions of the should be increased to no less than 25 feet prior to final engineering approval.

As a **condition of approval**, the applicant shall revise the plat and engineering plans to adjust to the minimum required landslide and erosion hazards prior to final engineering approval.

As a **condition of approval**, prior to any site construction activities, the landslide hazard area buffer as established by the revised geotechnical report shall be clearly staked before and during any construction or clearing.

(e) Design Standards – Seismic Hazard Areas. Development proposed in seismic hazard areas shall conform to the applicable provisions of the International Building Code concerning structural standards and safeguards to reduce risks from seismic activity.

As indicated on Clark County MapsOnline and supported in the geotechnical report (Exhibit 1) provided by the applicant, the site is classified as Site Class D for ground shaking amplification, a seismic hazard area (LCMC 18.300.030[78]), which is a type of regulated critical area.

As a **condition of approval**, the applicant shall adhere to all seismic design recommendations contained in the geotechnical report by True North Geotechnical, dated February 8, 2023 (Exhibit 1).

As a **condition of approval**, the applicant shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code for constructing structures in the seismic hazard area.

LCMC 18.300.090(5) Wetlands

The applicant completed a wetland delineation as part of their critical areas report which documents one wetland, Wetland A. Wetland A is a 0.08-acre (3,484 square feet) Category IV wetland with a required 50-foot buffer under LCMC Table 18.300.090(5)(i)(i)-1. Wetland A is an exempt wetland under the LCMC 18.300.090(5)(d) since it is less than 4,000 square feet, not associated with a riparian area or shorelines, is not part of a wetland mosaic, does not score 5 or more points for habitat, and does not contain priority habitat or federally listed species or habitat. Because Wetland A is exempt the applicant is proposing to fill it and is not required to demonstrate how they are avoiding impacts but is still required to fully mitigate for this wetland. Impacts to wetlands are subject to the review criteria in LCMC 18.300.090(5)(k) which requires an approved mitigation or enhancement plan. The applicant is proposing to mitigate for impacts to Wetland A by purchasing credits at the East Fork Lewis Mitigation Bank which is in the same watershed as where the impact will occur. The applicant will purchase 0.064 credits from the bank at a ratio 0.8:1 for the 0.08 acres of impact that will occur. LCMC 18.300.090(5)(k) also requires that:

- The proposed activity will not cause significant degradation of groundwater or surface water quality or fish and wildlife habitat
- The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management and on-site wastewater disposal; and

- Wetland and wetland buffer impacts shall be avoided or substantially minimized consistent with the mitigation sequencing criteria.

As a **condition of approval**, the applicant shall provide a revised Critical Areas report responding to the 'Wetland Development Standards' as outlined in LCMC 18.300.090(5)(k), including the mitigation sequencing preference, prior to final engineering approval.

As a **condition of approval**, the applicant shall provide a revised Critical Areas Report to include the mitigation plan at the East Fork Lewis Mitigation Bank in accordance with LCMC 18.300.090(5)(p), LCMC 18.300.090(5)(q), and LCMC 18.300.120 prior to final engineering approval.

LCMC 18.300.130 Residential Density Transfer

The city may permit density transfer from critical areas (sending lands) to designated noncritical areas (receiving areas) only in the city's low density residential (LDR-7.5), medium density residential (MDR-16), residential professional (R/P), and mixed use (MX) districts.

(1) Residential Density Transfer. A property owner may transfer residential density to a receiving area.

- (a) A receiving area shall be on the same parcel or same property, within the same zoning classification, owned by the property owner sending the density.
- (b) Density may be transferred from a sending area only one time.
- (c) The value of the transfer in the MDR-16, R/P, and MX districts shall be calculated as follows:
  - (i) Density transfer credits shall be calculated by multiplying the minimum net density allowed in the zone by the total acres of critical areas protected.
- (d) The value of the transfer in the LDR-7.5 district shall be calculated as set forth in subsection (1)(c)(i) of this section to determine the number of dwelling units that can be transferred. A maximum of up to 20 percent of the total lots in the development may be transferred dwelling units on a minimum lot size of no less than 6,000 square feet. The transfer shall not result in a net density of greater than six and one-half units/acre. The density transfer provisions only applies to single-family detached dwellings in this zone.

The subject site is in the LDR-7.5 zone; therefore, a residential density transfer is allowed when critical areas are protected. The minimum net density of the LDR-7.5 zone is 4 units per net acre and 1.54 acres of critical areas are protected resulting in a total number of 6 density transfer credits. However, in the LDR-7.5 zone, a maximum of 20 percent of the total lots in the development may be transferred dwelling units on lots no less than 6,000 square feet. There are a total of 15 lots proposed, therefore, no more than 3 lots can be below 7,500 square feet. Only three lots (Lots 2, 3 & 10) are proposed to be less than 7,500 square feet and each of these lots are greater than 6,000 square feet.

(2) Transfer criteria. The density transfer request shall be approved through a preliminary plat or site plan review and be subject to the following criteria:

- (a) *Adverse impacts to natural resources on the receiving areas shall be mitigated consistent with the mitigation section of this chapter.*

- (b) The building height standards of the receiving district shall be met.*
- (c) The transfer of density to a receiving area shall not result in the construction of a housing type not otherwise allowed in the receiving area.*
- (d) Sending areas shall be:*
  - (i) Dedicated to the city for public use; or*
  - (ii) Protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the city council.*

There are no adverse impacts to natural resources to the receiving areas (Lots 2, 3 & 10), therefore, no mitigation is required. The buildings on these lots will be subject to the maximum building height requirement of the LDR-7.5 zone and these lots will be constructed into single-family detached dwellings, which is a housing type allowed in the LDR-7.5 zone. The sending areas will be protected from further development.

SEPA

The Applicant provided a SEPA Checklist. The City reviewed the checklist and relevant materials, including an archaeological pre-determination report, and the Responsible Official issued an optional Mitigated Determination of Non-Significance (MDNS) threshold determination in conformance with Washington Administrative Code 197-11-355 on August 22, 2024. (Ecology SEPA # 202403703). The City published notice of the likely MDNS in Ecology SEPA Register. This staff report serves as a final SEPA determination for File# 2023-40-SEPA upon issuance at least 15-days prior the public hearing as required by WAC 197-11-310 and was issued October 7, 2024 (See Exhibit 1). Mitigation measures are contained in the Conclusions & Recommendations section of the staff report.

LCMC 18.340 Native Plant List

Findings: All property owners throughout the city are required to avoid the use of plants from the nuisance plant list and shall not landscape with any plants on the prohibited plant list. The applicant's preliminary landscape plan (Exhibit 1) does not include any nuisance or prohibited species.

As a **condition of approval**, the final Landscape Plan, once submitted, shall use plants on the native plant list per Table 18.340.040(2) and avoid the use of plants from the nuisance plant list and the prohibited plants list per Table 18.340.040(3) and Table 18.340.040(4).

LCMC 18.350 Tree Protection

GIS is mapping the site as having trees located in the northwest corner the west side and the east and southeast portion of the project site.

LCMC 18.350.050 notes, for each tree that is greater than 10 inches in diameter, one, two-inch deciduous trees or a six to eight -foot evergreen tree is required to be planted. The City can require that the development design be revised to preserve existing trees. Existing trees are shown on the Preliminary Landscape Plan. Trees 10 inches and larger that will be removed have been identified and counted.

According to LCMC 18.350.060 a tree protection plan is required. The applicant submitted a tree plan noting 72 trees located on the site that are greater than 10" in diameter will be removed. The trees will be removed for public road improvements, utilities and future homes. There will be 29 street trees planted with and 43 native trees planted in the open space tract(s) and rear yards to mitigate the removal of the 72 trees.

As a **condition of approval**, the trees planted in the public right of way shall be installed by the developer or builder prior to final plat.

As a **condition of approval**, the trees on individual lots shall be installed by the developer or builder prior to issuing final occupancy.

A note shall be placed on the final plat noting, the trees shall be watered and maintained in a healthy condition year-round by the HOA. A **condition of approval** for the maintenance of trees will be placed on the face of the plat.

The following is the Staff's findings to the tree cutting approval criteria as outlined in LCMC 18.350.080.

(1) Removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing wetlands.

The applicant will have approved erosion control plans, grading plans, stormwater facilities, and improvement plans to reduce negative impacts to erosion, soil stability, and flow of surface waters. Any trees proposed for removal shall be identified on the tree protection plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3). In addition, the applicant shall install construction fencing at the dripline of the tree that is determined to be preserved, so it is not inadvertently removed, and grading does not occur within its root zones.

(2) Removal of the trees are not for the sole purpose of providing or enhancing views.

Staff agrees the applicant's intent is to not remove trees for the sole purpose of providing or enhancing views as the applicant's intent is discussed in the next criterion.

(3) The trees are proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to La Center Municipal Code or other applicable development regulations. The city planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application.

Staff finds that the tree removal is to construct the proposed development, pending its approval.

(4) Removal of the trees will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The City may grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exist to allow the property to be used as permitted in the zone. In making this determination, the city may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the La Center Municipal Code.

Staff finds that the removal of the trees will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The tree removal has been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

(5) The city shall require the applicant to mitigate for the removal of each tree pursuant to LCMC 18.350.050. Such mitigation requirements shall be a condition of approval of the permit.

Staff finds that the Applicant's proposal is meeting the tree mitigation requirements of LCMC 18.350.050 and will condition the approval of the permit to provide this mitigation.

Staff has determined, per the above responses to the approval criteria and the provided submittal materials, a recommendation for approval for the tree cutting permit with conditions as listed below.

As a **condition of approval**, all trees proposed for removal shall be identified on the plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3).

As a **condition of approval**, each tree 10-inches dbh or greater proposed to be removed shall be mitigated by one two-inch deciduous or a six-foot tall conifer tree consistent with LCMC 18.350.050.

LCMC 18.360 Archeological Resource Protection

According to the Clark County Maps Online archaeological predictive model, the subject site is in areas containing High and Moderate High risk of encountering archaeological resources. Per 18.360.030(12), an archaeological predetermination is required for projects which will have a high impact defined to include excavation of 12 inches below the ground surface and more than 10,000 square feet in moderate-high risk areas. The applicant's proposal will include excavation of more than 12 inches below grade for construction of roads and utilities which exceed 10,000 square feet in area and for grading on some areas of the site. Therefore, an archaeological predetermination is required for the proposed project.

An archaeological predetermination report was completed by Archaeological Services LLC and included in the submittal package (Exhibit 1).

A SEPA mitigation measure requires the applicant to avoid work within the boundary of the archaeological site. The applicant has noted that they will not be working within the boundary (See Exhibit 7). As a condition of approval, if the applicant proposes to work within the boundary of the archaeological site, a DAHP permit will be required per the Department of Archaeology & Historic Preservation.

Based off the information included in the submitted archaeological predetermination, if avoidance of the archaeological boundary is not feasible, an archaeological survey is recommended.

As a condition of approval, a note shall be placed on the face of the plat noting, if any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archeology and Historic Preservation in Olympia and the City of La Center shall be notified. Failure to comply with these state requirements may constitute a class C Felony subject to imprisonment and/or fines.

Public Works and Engineering Analysis

Chapter 12.05 LCMC, Sidewalks' Chapter 12.10 LCMC, Public and Private Road Standards; Chapter 18.320 LCMC, Stormwater and Erosion Control; and Chapter 15.05 LCMC, Building Code and Specialty Codes, Chapter 15.35 LCMC, School Impact Fees; Chapter 12.10 -- Public and Private Road Standards

City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director. LCMC 12.10.040.

- 2nd Way, in Holley Park Subdivision has been constructed westerly to connect to Ivy Avenue. Ivy Avenue appears to be owned by the applicant up to the north end of 2nd Way. There is an easement on this property to access the property to the south. The applicant proposes to leave this easement in place to allow access south of the Brezee Creek Trail Subdivision.
- As part of Engineering approval, Local Street improvements and right of way dedication will need to be constructed from 2nd Way to the Brezee Creek Trail Subdivision. The applicant has shown full street improvements will be constructed from 2nd Way along Ivy Avenue, maintaining the easement shown on the plans.
- CCR&R is requesting a secondary access and that Ivy Road (P) be constructed to meet road width requirements (TBD).

The applicant shall provide full street improvements on interior streets according to the City of La Center Local Access standard ST-15. In addition to the interior street improvements, street lights, street trees, and stormwater improvements are required. LCMC 12.10.190.

The applicant proposes a cul-de-sac at the south end of the subdivision. CCF&R requires at least a 90-foot The applicant will need to obtain approval from CCF&R for the cul-de-sac. The applicant has shown that fire trucks or busses can maneuver these turns without impacting the oncoming traffic. It is likely that no parking signs will result at these turns.

Streets and Circulation

A traffic report was submitted by Kelly Engineering in January of 2024. The proposed development will construct a 15-lot subdivision.

The City of La Center has adopted mobility standards for transportation facilities during the highest one-hour period on an average weekday. The City's Transportation Capital Facilities Plan requires all un-signalized or roundabout controlled intersections must operate with a Level of Service (LOS) "E" or better.

The traffic impact analysis provided operations for existing (2024) and future (2027) conditions during the AM peak hour and PM peak hour at the following study intersections:

1. John Storm Road and Lockwood Creek Road
2. 4th Street and Highland Road
3. Aspen Avenue and 4th Street
4. La Center Road and Timmen Road.
5. La Center Road and Paradise Park Road.

Development of the site includes 15 single-family homes. Trip generation is projected to be 141 daily trips with 11 AM peak hour trips and 14 PM peak hour trips.

The traffic report found that the intersections at La Center Road and Paradise Park Road will operate at a level of service "F" in 2027, and the Brezee Creek Project will not decrease the level of service at this intersection.

A roundabout is planned at this intersection, per the Capital Facilities Plans.

Site Distance

Site distance was measured at the intersection of Lockwood Creek Road at Johnstorm Road. The measured intersection sight distance was over 280 feet when looking towards the west and east. Based on the criteria in AASHTO, A Policy on Geometric Design of Highway and Streets, 2011 and the posted speed limit of 25 mph on Lockwood Creek Road the recommended intersection sight distance is 280 feet. Therefore, the sight distance requirement is met.

Chapter 13.10 -- Sewer System Rules and Regulations

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved per LCMC 13.10.200. There is no sewer connection from the new subdivision. A 2-inch diameter PVC force main was installed in 2nd Way to serve some of the homes in Holley Park Subdivision. The applicant can extend this 2-inch force main to the proposed subdivision that is stubbed at the west end of 2nd Way. If a force main is installed in this subdivision, it will need to be installed in the public right of way and be installed per city standards. This will result in all the homes in Brezee Creek Trail Subdivision to install grinder systems. These grinder systems will need to be maintained by the property owners. The applicant will need to verify that the size of the existing force main can serve the existing houses in Holley Park, and the proposed houses in Brezee Creek Subdivision. Per the Engineering Standards, the applicant is required to provide calculations with a report that shows the future upstream influent and the capacity of the downstream facilities. The applicant submitted a sewer analysis of the existing 2-inch diameter force main in Holley Park Subdivision as well as the existing capacity of pump station 3. The report verified that the existing force main has enough capacity to serve Brezee Creek Subdivision.

Existing septic system must be abandoned or removed as necessary per Clark County Environmental Health permitting.

Chapter 18.320 (Stormwater and Erosion Control)

Chapter 18.320 (Stormwater and Erosion Control) Section 18.320.120 (1) LCMC states that ground-disturbing activities of more than 500 square feet are subject to the requirements of City of La Center Erosion Control Guidelines. Section 18.320.120 (2)(a) LCMC states that the creation of more than 2,000 square feet of impervious surface is subject to stormwater regulation. The applicant proposes to create new impervious interior streets in the subdivision. Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume. A Technical Information Report (TIR) will need to be submitted by the applicant and must comply with LCMC 18.320. The LCMC section 18.320.220 states that if surface water leaves the site, stormwater must be detained per LCMC. The design must meet the LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.

The applicant is installing a wet pond the northwest corner of the site. The applicant will need to show how water quality and detention requirements per the LCMC will be met. The storm system in public right of way shall meet the requirements of the City Engineering Standards.

The storm outfall from to the northeast corner of the site shall be designed to reduce erosion of the adjacent property. The applicants' Engineer will need to design and provide adequate dispersion and protection of the steep slope.

Per 18.320.240 Other Requirements.

(1) Location of Stormwater Facilities. (g) **Stormwater treatment and control facilities shall be located on separate tracts** which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of city abandonment or vacation.

The applicant shows the stormwater facility on tracts A through F, six separate tracts. The preliminary plat and stormwater plans will need to be revised to show the stormwater facility on one tract.

Downspouts connections from the houses must connect directly into the site stormwater system. Laterals from the storm main in the street must be shown to serve each lot. A Technical Information Report (TIR) is required along with the development plans for approval of the stormwater system.

Maintenance of Stormwater Facility

If the stormwater treatment and disposal facility is within public right-of-way, the applicant shall maintain the facility for two years after development. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. The city is disinclined to own or maintain the stormwater facility. Stormwater facilities must be located in a separate tract.

Grading

A grading and erosion control permit is required as part of the subdivision plans. As part of the grading plans, finished floor elevations need to be shown for the lots in addition to grading quantities. The plan shall show retaining walls necessary to grade the lots.

The City Erosion Control Standards require that any activity disturbance over 500 S.F. must comply with the City standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and an SWPPP will be necessary as part of the plan submittal to the City. Soil disturbance is discouraged between November and May.

Geotechnical Study

A Geotechnical Report was prepared by True North Geotechnical on February 8, 2023.

A complete application will include a geotechnical study and report, prepared by a geotechnical engineer or geologist, licensed in the state of Washington. The report included testing to support the structural section of the roadway, site building construction, grading, retaining-wall design, as applicable, and subsurface drainage. LCMC 18.212.050.

The applicant shall follow all recommendations by the report prepared by True North Geotechnical Engineering dated February 8th, 2023.

These are as follows:

Over-excavation and stabilization of pipe trenches or other excavations with imported granular fill or aggregate may also be necessary to provide adequate subgrade support.

The Geotechnical Report discusses recommends that storm lines shall connect to an underground pipe system.

Based on the soil characteristics, the report recommends using a structural pavement section of 4" HMAC over 11-inches of aggregate base.

True North recommends final cut or fill slopes do not exceed 3:1 slope. The setback of residential structures shall be at least 15-feet at the northwest corner of the site, 20-feet along the west corner, and 30-feet along the southwest corner of the site. The minimum setback for LDR 7.5 residential homes shall meet the minimum distance in the LCMC.

Retaining Walls shall be designed per the recommended parameters in the Geotechnical Report. Grading for retaining walls can be shown on the Engineering plans, but the applicant will need to obtain a building permit for any retaining wall design.

Maintenance of Stormwater Facility

The applicant shall be responsible for maintenance of the stormwater facility until an HOA is established to maintain the facility. When the HOA assumes responsibility of the facility, the developer will establish monetary funding of a reserve fund, for maintenance of the stormwater facility, when at least 50 percent of development of the housing units has occurred or at minimum two years after completion and acceptance of the subdivision by the City, whichever is more. The applicant and future owners will be responsible for maintaining the stormwater facility. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. Adequate bonding is required to guarantee maintenance of the facility for a period of two years following final plat. The minimum bond amount shall be 10 percent of the construction cost of the stormwater facility.

Prior to initiation of any construction or final plat approval, the developer shall demonstrate to the City's satisfaction the following.

1. The developer shall establish a homeowner's association (HOA) and Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the HOA's operation and maintenance costs for stormwater facilities shall be borne by the HOA. The applicant will provide a "Stormwater Covenant" that shall describe the scope of maintenance of the stormwater facility and it shall be recorded and incorporated in the CC&Rs.
2. The HOA shall be empowered to assess its members' fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
3. The City shall have the right of a third-party enforcement to ensure that the HOA remains intact and collects the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions. Further, the following language is to be placed on the face of the plat: The City

shall be granted the right, but not the duty, to access and maintain the stormwater facility consistent with 18.320.230 LCMC.

Street Lighting

Street light design and installation is reviewed and approved by the City of La Center. Street lighting on local streets shall be Acorn full-cutoff, single-fixture on a black decorative fiberglass pole per the Engineering Standards. The applicant shall submit a photometric analysis along with the street light design to verify compliance with the Engineering Standard.

Chapter 15.35 LCMC, School Impact Fees;

As a Condition of Approval, for each dwelling the City shall assess and charge the builder School, Park and Traffic impact fees in effect at the time of building permit application.

CONCLUSIONS & RECOMMENDATION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. The subject applications (Preliminary Plat, SEPA determination, Critical Areas Permit, and Tree Cutting Permit) should be **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.**

Planning Conditions

1. The applicant shall apply for and receive approval of a sign permit and building permit (if applicable) for a subdivision entrance sign prior to sign construction in accordance with LCMC 8.60.
2. The applicant shall demonstrate that building height requirements are met prior to issuance of a building permit for each lot. The building height shall not exceed 35 feet in height.
3. The applicant shall demonstrate that the maximum building lot coverage and maximum impervious surface area requirements per lot are met prior to issuance of a building permits.
4. The preliminary plat and stormwater plans will need to be revised to show the stormwater facility on one tract.
5. The applicant shall avoid work within the boundary of the archaeological site. If avoidance is not possible then an Archaeological permit is required.
6. Lots 1 – 6 on the final plat must exclude the full riparian buffer width of 200 feet prior to final plat approval.

7. The applicant shall provide a revised Critical Areas Report that includes mitigation in accordance with LCMC 18.300.090(2)(i) and LCMC 18.300.020 for the affected riparian areas and implement such mitigation measures prior to final engineering approval.
8. The applicant shall provide a revised Critical Areas Report to include a 7-year monitoring program in accordance with LCMC 18.300.090(2)(i)(v) prior to final engineering approval.
9. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements prior to and through the duration of site construction.
10. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements prior to and through the duration of site construction.
11. The applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.
12. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
13. The applicant shall show the dripline of the preserved OWO on the approved engineering plans to demonstrate that there will not be improvements including grading within these areas.
14. The applicant shall provide a revised Critical Areas Report to include a mitigation plan in accordance with LCMC 18.300.120.
15. The applicant shall place the OWO dripline in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
16. The applicant shall follow all recommendations of the Geotechnical Engineering Evaluation by True North Geotechnical dated February 8, 2024, and subsequent revisions as conditioned in this Staff Report.
17. The applicant shall provide a revised geotechnical report that addresses each criteria as outlined in LCMC 18.300.090(4)(c)(ii)(A through G) prior to final engineering approval.

18. The setbacks on the northwest corner and western portions of the should be increased to no less than 25 feet prior to final engineering approval.
19. The applicant shall revise the plat and engineering plans to adjust to the minimum required landslide and erosion hazards prior to final engineering approval.
20. Prior to any site construction activities, the landslide hazard area buffer as established by the revised geotechnical report shall be clearly staked before and during any construction or clearing.
21. The applicant shall adhere to all seismic design recommendations contained in the geotechnical report by True North Geotechnical, dated February 8, 2023.
22. The applicant shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code for constructing structures in the seismic hazard area.
23. The applicant shall provide a revised Critical Areas report responding to the 'Wetland Development Standards' as outlined in LCMC 18.300.090(5)(k), including the mitigation sequencing preference, prior to final engineering approval.
24. the applicant shall provide a revised Critical Areas Report to include the mitigation plan at the East Fork Lewis Mitigation Bank in accordance with LCMC 18.300.090(5)(p), LCMC 18.300.090(5)(q), and LCMC 18.300.120 prior to final engineering approval.
25. the applicant shall provide a revised geotechnical report that addresses each criteria as outlined in LCMC 18.300.090(4)(c)(ii)(A through G) prior to final engineering approval.
26. Prior to engineering approval, the applicant shall provide a final landscape plan by a registered landscape architect with street trees spaced no greater than 30 feet on center.
27. Prior to final Plat approval, it must be verified that all capital facilities are adequate for the removal of the UH-10 overlay.
28. The applicant shall provide a reserve or 20-foot-wide natural vegetated buffer along all property lines prior to final occupancy.
29. The applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents unless otherwise modified by conditions of approval in this staff report or as approved by the City through subsequent approvals.

30. The applicant shall obtain building permits in compliance with Chapter LCMC 15.05 prior to construction for each dwelling unit.
31. Prior to the issuance of occupancy, the applicant shall pay all system development fees, park, school, and traffic impact fees in effect at the time.
32. The applicant shall provide improved surface plans for all flag lots in accordance with LCMC 18.210.040(3)(b) in the final engineering plans.
33. The preliminary plat shall expire five years from the date of approval by the hearing examiner unless an application for final plat is submitted or an extension is approved per LCMC 18.210.050(2) and (3).
34. The applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230 prior to final plat approval.
35. As outlined in LCMC 18.230.090, the final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.
36. The applicant is required to coordinate with the fire marshal's office to meet all fire code requirements prior to final engineering.
37. A safe walking path to school is required for all children walking to school prior to final plat.
38. As a condition of approval, if any fences or hedges are proposed prior to the final plat, the applicant must provide information demonstrating that the fences comply with LCMC 18.245.020.
39. The applicant shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.
40. Ground-level exterior equipment such as air condition units, must be screened from view to an F2 or L3 standard prior to issuance of final inspection for each dwelling unit.
41. The applicant shall install all landscaping prior to issuance of final inspection for each dwelling unit or no more than six months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval.
42. The applicant's final landscape plan shall comply with the requirements of LCMC 18.245.060(11-16) for plant size and spacing prior to issuance of final inspection for each dwelling unit.

43. All required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements in LCMC 18.245.060(18). The applicant shall provide irrigation plans prior to final engineering approval.
44. The applicant shall demonstrate that each dwelling unit has at least two (2) off-street parking spaces and one (1) guest parking space per LCMC Table 18.280.010 prior to building permit approval. Parking spaces shall be within the 20-foot required garage setback.
45. Prior to final engineering approval, the pedestrian path as shown on the provided preliminary plat shall be revised to be 5-feet-wide within the riparian buffer and be composed of a permeable surface.
46. The applicant shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code for constructing structures in the seismic hazard area.
47. The final Landscape Plan, once submitted, shall use plants on the native plants list per Table 18.340.040(2) and avoid the use of plants from the nuisance plant list and the prohibited plants list per Table 18.340.040(3) and Table 18.340.040(4).
48. Any trees proposed for removal shall be identified on the plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3).
49. Each tree 10-inches dbh or greater proposed to be removed shall be mitigated by one two-inch deciduous or a six-foot tall conifer tree consistent with LCMC 18.350.050.
50. Trees planted in the public right of way shall be installed by the developer or builder prior to final plat.
51. Trees on individual lots shall be installed by the developer or builder prior to issuing final occupancy.
52. A note shall be placed on the final plat noting, the trees shall be watered and maintained in a healthy condition year-round by the HOA.
53. A note shall be placed on the face of the plat noting, if any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archeology and Historic Preservation in Olympia and the City of La Center shall be notified. Failure to comply with these state requirements may constitute a class C Felony subject to imprisonment and/or fines.

Public Works and Engineering Conditions

Public and Private Road Standards City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director. LCMC 12.10.040.

1. The applicant will implement all recommendations from the Kelly Engineering in January of 2024. The applicant shall submit final grading and erosion control permit, as part of the subdivision plans, showing the proposed contours on the plans.
2. The applicant shall provide full street improvements per standard ST-15 Local Access.
3. LCMC 18.212.050. Chapter 13.10 - Sewer System Rules and Regulations Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the applicant. LCMC 13.10.110.
4. The applicant shall provide a 2" public force main in E. 2nd Way public right of way to serve the new houses in Holley Park Subdivision. The force main shall be designed and constructed per city standards. The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the city standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and an SWPPP will be necessary as part of the plan submittal to the city. All erosion control measures shall be designed, approved, installed, and maintained consistent with Chapter 18.320 LCMC and the applicant's Construction Stormwater Permit. Per the City Erosion Control Manual, from October 1 through April 30th, no soils shall remain exposed for more than two (2) days. From May 1st through September 30th, no soils shall remain exposed more than seven (7) days.
5. The applicant shall follow all recommendations by the report prepared by True North Geotechnical dated February 8th, 2023. The applicant will need to comply with the following, per the report.
6. Over-excavation and stabilization of pipe trenches or other excavations with imported granular fill or aggregate will also be necessary to provide adequate subgrade support.
7. Chapter 18.320 (Stormwater and Erosion Control) Section 18.320.120 (1) LCMC states that ground-disturbing activities of more than 500 square feet are subject to the requirements of City of La Center Erosion Control Guidelines. Section 18.320.120 (2)(a) LCMC states that the creation of more than 2,000 square feet of impervious surface is subject to stormwater regulation. The applicant proposes to create new impervious interior streets in the subdivision. Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume. A Technical Information Report (TIR) will need to be submitted by the applicant and must comply with LCMC 18.320. The LCMC section 18.320.220 states that if surface water leaves the site, stormwater must be detained per

LCMC. The design must meet the LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.

8. The storm system in public right of way shall meet the requirements of the City Engineering Standards.
9. The storm outfall from to the northeast corner of the site shall be designed to reduce erosion of the adjacent property. The applicants' Engineer will need to design and provide adequate dispersion and protection of the steep slope.
10. Downspouts connections from the houses must connect directly into the site stormwater system. Laterals from the storm main in the street must be shown to serve each lot. Maintenance of Stormwater Facility The applicant shall be responsible for maintenance of the stormwater facility until an HOA is established to maintain the facility. When the HOA assumes responsibility of the facility, they will establish monetary funding of a reserve fund, for maintenance of the stormwater facility, when at least 50% of development of the housing units has occurred or at minimum 2-years after completion and acceptance of the subdivision by the City, whichever is more. The applicant and future owners will be responsible for maintaining the stormwater facility. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. Adequate bonding is required to guarantee maintenance of the facility for a period of two years following final plat. Stormwater facilities must be located in a separate tract. Prior to initiation of any construction or final plat approval, the developer shall demonstrate to the City's satisfaction that:
  1. The developer shall establish a homeowner's association (HOA) and Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the HOA's operation and maintenance costs for stormwater facilities shall be borne by the HOA. The applicant will provide a "Stormwater Covenant" that shall describe the scope of maintenance of the stormwater facility and it shall be recorded and incorporated in the CC&Rs.
  2. The HOA shall be empowered to access its members' fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
  3. The City shall have the right of a third-party enforcement to ensure that the HOA remains intact and collects the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions. Further, the following language is to be placed on the face of the plat: The City shall be granted the right, but not the duty, to access and maintain the stormwater facility consistent with 18.320.230 LCMC.
11. Street Lighting Street light design and installation is reviewed and approved by the City of La Center. Street lighting on local streets shall be Acorn full cutoff single fixture on a black decorative fiberglass pole and the frontage improvements will need to have Cobra Head LED light per the Engineering Standards. The applicant shall submit a Photometric analysis along with the street light design to verify compliance with the Engineering Standards.

SEPA (MDNS) Mitigation Conditions

1. Air: The applicant is required to apply best management practices to reduce dust during construction.
2. Air: Construction equipment shall not be permitted to idle and is required to be shut off while not in use.
3. Water: The applicant must comply with the recommendations of the Preliminary Technical Information Report dated March 2024.
4. Environmental Health: The lot is a vacant lot and does not contain a septic system
5. Historic and cultural preservation: In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
  - (a) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
  - (b) Take reasonable steps to ensure confidentiality of the discovery site; and,
  - (c) Take reasonable steps to restrict access to the site of discovery.

The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

Contact	Information
Cowlitz Indian Tribe, Nathan Reynolds, Interim Cultural Resources Manager	Phone: 360-575-6226; email: nreynolds@cowlitz.org
City of La Center, Tracy Coleman, Community Development/Public Works Director	Phone: 360-263-7665; tcoleman@ci.lacenter.wa.us
Office of the Clark County Medical Examiner (for human remains)	Phone: 564-397-8405; email: medical.examiner@clark.wa.gov

Washington DAHP, Dr. Allison Brooks, Ph.D, Director	Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov

6. Transportation: The applicant shall comply with the recommendations of the Traffic Analysis Report (Lancaster Mobley, March 6, 2024).

CCFR Fire Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark-Cowlitz Fire Rescue.

CPU Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark Public Utilities.

APPEALS

The applicant, applicant's representative, or any person, agency or firm with an interest in the matter may appeal the Critical area decision. The appellant shall file the appeal together with the requisite fee and information within 14 calendar days of the date of the decision being appealed. (18.30.130 LCMC.)

Tracy Coleman
Community Development/Public Works Director
City of La Center

Anthony Cooper, P.E.
City Engineer
City of La Center

1-2 Family Residential Pre-Application Notes:



Fire Department Access:

- **Roadways to Structures:** The perimeter of all structures shall be within 150' of an approved *Fire Apparatus Access Road* with a minimum clear width of 20' (**26' where a hydrant is located**). IFC 503.1.1 / D102 / D103
- **Dead end Streets:** Any dead-end road longer than 150' shall be provided with an approved cul-de-sac or hammerhead turn-around in accordance with the International Fire Code design criteria. (96' Diameter Cul-de-sac; 120' Hammerhead with 20' clear width and 28'R corners) IFC D103.4
- **Parking Restrictions:** Roadways shall have signage for parking restrictions as follows: Signs for *No-Parking Fire Lane* shall be provided on both sides of all streets that are 20' to less than 26' in width; on one side of all streets that are between 26' and 32' in width; additionally, signs shall be spaced at a distance not greater than 100' apart in and installed in accordance with local standards for future enforcement. IFC D103.6
- **Remote Access Points:** One- and Two-Family Residential Developments with more than 30 dwelling units shall be provided with two separate and remote *Fire Apparatus Access Roads*. (remote = min. ½ the overall diagonal of the land area being served) IFC D106/107
- **Flag Lots:** Buildings constructed on flag lots shall be provided with automatic fire sprinkler systems in accordance with NFPA 13D requirements.
- **Access During Construction:** Access roadways shall be completed and unobstructed prior to combustible construction.
- **Gates:** Where required access is restricted with a gate, a Knox padlock with multi-access locking device (e.g. gatekeeper locking device) shall be provided for manual gate access; or Knox key switch shall be provided for electronic gate access to allow Emergency Non-destructive Fire Department Access. (IFC 506)

Fire Department Water Supply and Suppression Systems:

*Hydrant spacing is assessed based on structures that are non-sprinklered, type V-B Construction and no larger than 4,800 combined square feet. Additional hydrants may be required for streets providing access to structures greater than 4,800 SF. (IFC Table B105.1(2) / C102.1)

- **Fire Hydrants:** Hydrants must be provided on fire access roadways so that average spacing does not exceed 500' and the maximum distance from any point on the street frontage to a hydrant is no more than 250'. (400' and 200' for Dead end roads) IFC C102
- **FIRE SPRINKLERS May be Considered as an alternate method to increase hydrant spacing or to address access issues.**
- **Fire Sprinklers:** Any structures larger than 5,000 square feet; occupancies with substandard Fire Flow or Access such as flag-lots, substandard road widths, private bridges, private roads, and roads of 10% grades or greater shall be required to be equipped with fire sprinklers system in accordance with NFPA 13D.
- **Water Supply During Construction:** Required hydrants must be serviceable and unobstructed prior to combustible construction.

For plans submittal, permitting and inspections; all projects shall be submitted and requested through our online portal at: <https://clarkfr.geocivix.com/secure>

Please feel free to contact CCFR with any questions or concerns.

CCFR Fire Marshal's Office

firemarshal@clarkfr.org

(360) 887-1684



EXHIBIT LIST

Project Name: **Breeze Creek Trails Subdivision**
Case Number: **2024-012-SUB/SEPA/VAR/CAR/ TRE**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	8/1/24	Applicant	Application Package- Cover Sheet, TOC, Master Application, Pre-application Conf Report, Plan Set, GIS Packet, Narrative, Prelim Plats Abutting Site, Prelim Boundary Survey, Legal Lot Determination Deed History, Geotech, Stormwater Report, Storm Statement, Traffic Study, SEPA, Utility Review Letters, Arc Pre-determination & DAHP Info, School Transportation Letter. Road Mod, Site Distance Certification, CC&R's, Type I Variance, Critical Areas Report, Revised Plan Set, Tree Cut Narrative, 300' Mailing Lables
2	8/8/24	COL Land Use	TC Determination
3	8/22/24	COL Land Use	Notice of Application
4	8/22/24	COL Land Use	Affidavit of Mailing
5	9/3/24	Stephanie Klein	Comment Email
6	9/4/24	Holley Park HOA	Comment Email
7	9/4/24	DAHP	Comment Email
8	9/5/24	Home Owners Holley Park Sub	E-mail and Hard Copy Comment Letter
9	9/5/24	Applicant	Response to Email from Stephanie Klein
10	9/16/24	Courtney DePorto	Comment Email
11	10/2/24	COL Land Use	Notice to Columbian to Publish Notice of Public Hearing
12	10/2/24	Applicant	Safe Walking Letter
13	10/3/24	Applicant	Revised Plans Showing Oregon White Oaks
14	10/4/24	COL Land Use	Staff Report
15	10/4/24	WSP/ Alec Egurrola	Critical Areas Comments & Conditions
16	10/7/24	COL Land Use	Notice of Public Hearing

Copies of these exhibits can be viewed at:
Department of Community Development
Development Services Division
1300 Franklin Street
Vancouver, WA 98666-9810

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
17	10/7/24	COL Land Use	Affidavit of Mailing Notice of Public Hearing
18	10/7/24	COL Land Use	Affidavit of Mailing Staff Report
19	10/7/24	COL Land Use	Affidavit of Posting Notice of Public Hearing

Copies of these exhibits can be viewed at:
Department of Community Development
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1300 Franklin Street
Vancouver, WA 98666-9810

BREEZE CREEK TRAILS SUBDIVISION

APPLICANT: BREEZE CREEK TRAILS, LLC
15158 GREENWAY
BATTLE CREEK, MI 48814
TEL: 517-851-1234
FAX: 517-851-1235
E-MAIL: info@breeze-trails.com

PROJECT OWNER: BREEZE CREEK TRAILS, LLC
P.O. BOX 158
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DATE: 03/01/2014

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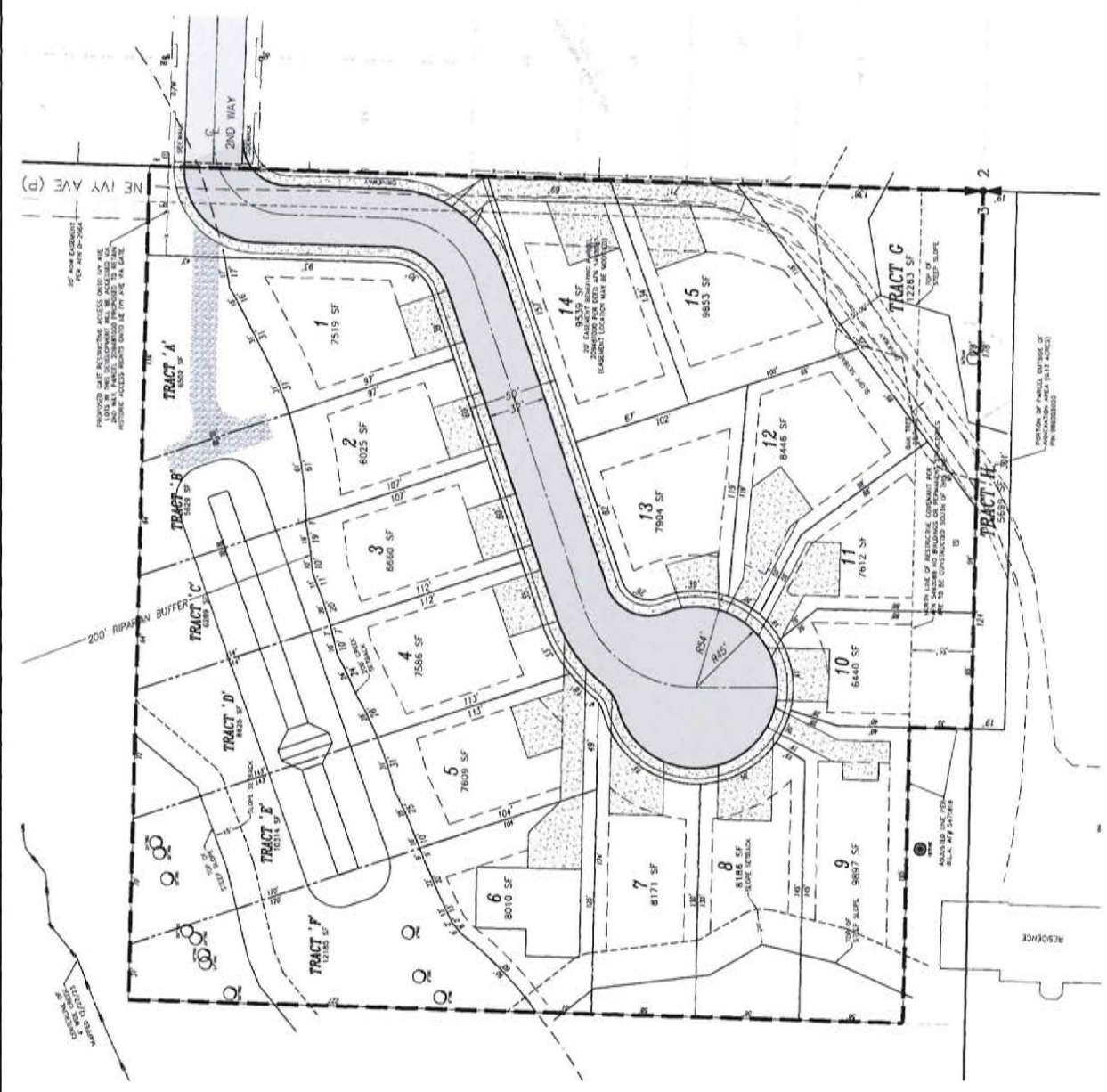
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